MONTANA LEGISLATIVE HISTORY

Chapter 124 19 ~~77~~

Bill H _____ S 16 Original bill & history ✓ C

H. Committee on Highway & Trans. S. Committee on Fish & Game (Highway & Transport)

Hearing Date(s)	C	Hearing Date(s)	C
3/10	C	heard 1/11	C
3/0	C	& 3/11	C
_____	C	_____	C
_____	C		
Date Out _____	C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

None of the exhibit(s) referred to were attached.

45th LEGISLATIVE SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

SENATE ILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
16	1/8	1/11	1/11			1/11			
24	1/3	1/11	1/11	1/11					
94	1/13	1/18	1/18	1/18					
98	1/13	1/18	1/18	1/18					
103	1/14	1/25	1/25	1/25					
112	1/17	1/25	1/25	1/25					
133	1/18	1/25	1/25	1/25					
134	1/18	1/25	1/25	1/25					
142	1/19	2/1	2/10			2/10			
147	1/19// 2/8	2/1// 2/10	2/3// 2/8	2/3		2/10			
160	1/20	2/1	2/17			2/17			
178	1/21	2/1	2/1	2/1					
208	1/22	2/3	2/19		2/19				
312	1/27	2/3	2/3	2/3					
325	1/28	2/3							
327	1/28	2/3	2/17		2/17				

Resolutions)

SENATE BILL NO. 16

INTRODUCED BY GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL VEHICLES AND CONVEYANCES; AMENDING SECTIONS 53-1014, 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507, 69-3508, 69-3508.1, 69-3512 THROUGH 69-3514, 69-3516, 69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-1014, R.C.M. 1947, is amended to read as follows:

"53-1014. Transfer of title or interest. (1) Upon a transfer of any title to or interest in ~~of an owner or owner in or to~~ a snowmobile, registered as required under the provisions of this act ~~as hereinbefore required~~, the person ~~or persons~~ whose title or interest is to be transferred shall write ~~their~~ his ~~signatures~~ signature with pen and ink upon the certificate of ownership issued for ~~such vehicle~~ the snowmobile, in the appropriate space provided upon the reverse side of ~~such~~ the certificate, and such signature shall be acknowledged before a notary public.

(2) Within ~~ten (10)~~ days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under this act, to the registrar, who shall file ~~the same~~ them upon receipt thereof. ~~and no~~ No certificate of ownership ~~and~~ or certificate of registration ~~shall~~ may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. The registrar of motor vehicles shall collect a fee of ~~two dollars ($2)~~ for each application for transfer of ownership.

(3) The provisions of ~~subdivision~~ subsection (2) of this section, requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the registrar, shall not apply in the event of the transfer of a snowmobile to a duly licensed snowmobile dealer intending to resell ~~such vehicle~~ and the snowmobile who operates ~~the same~~ it only for demonstration purposes, but every such dealer ~~shall~~, upon transferring such interest, shall deliver ~~such~~ the certificate of ownership and certificate of registration with an application for registration executed by the new owner in accordance with the provisions of this act, ~~and~~ ~~the~~ The registrar, upon receipt of ~~said~~ the certificate of ownership, certificate of registration, and application for registration, together with the conditional sales contract

INTRODUCED BILL

or other lien, if any, shall issue a new certificate of ownership and certificate of registration together with a statement of any conditional sales contract, mortgage, or other lien."

Section 2. Section 53-1017, R.C.M. 1947, is amended to read as follows:

"53-1017. Report of stolen and recovered snowmobiles. It ~~shall be~~ is the duty of the sheriff of every county of the state and of the chief of police or commissioner of police of every city to make immediate report to the registrar of motor vehicles of all snowmobiles reported to him as stolen or recovered, upon forms provided ~~for~~ by the registrar of motor vehicles. Failure on the part of any officer ~~shall be deemed to be~~ is misfeasance in office and ~~shall constitute~~ constitutes grounds for removal. Upon receipt of such information, the registrar of motor vehicles shall file the same in an index to be known as the "stolen and recovered snowmobile index~~,~~". It ~~shall~~ is also ~~be~~ the duty of the registrar of motor vehicles to file reports of stolen and recovered snowmobiles reported to him from other states. ~~The~~ Once a month the registrar of motor vehicles shall prepare ~~once a month~~ a list of all snowmobiles stolen or recovered during the previous month and forward a copy of the same to every sheriff, and all police departments in cities of the first, second, and third class. Such list

shall also be forwarded to the secretary of state, or other proper official, in each state of the United States. Before a certificate of title, as heretofore provided, shall be issued under this act, the motor and serial number on the motor vehicle to be registered shall be checked against the "stolen and recovered snowmobile index."

Section 3. Section 53-1019, R.C.M. 1947, is amended to read as follows:

"53-1019. Unlawful operation on streets and highways. It shall be unlawful for any person to drive or operate any snowmobile upon a public street or highway in any one or more of the following manners:

(1) ~~At~~ at a rate of speed greater than provided by law for motor vehicles~~;~~;

(2) ~~While~~ while under the influence of intoxicating liquor or narcotics or habit-forming drugs~~;~~;

(3) ~~In~~ in a careless or reckless manner so as to endanger the person or property of another, or to cause injury or damage to either~~;~~; or

~~(4) Without a lighted headlight between the hours of dusk and dawn;~~

~~(5)~~(4) ~~Operating~~ operation of a snowmobile, or permitting such operation, by any person who by reason of age or physical or mental disability is incapable of operating the snowmobile as required for safety under the

prevailing circumstances."

Section 4. Section 53-1026, R.C.M. 1947, is amended to read as follows:

"53-1026. Application to be made annually -- grace period -- proof of purchase. (1) Application must be made to the county treasurer for the issuance of tax-paid decals annually. All tax-paid decals expire on June 30 of each year.

(2) An owner of a newly purchased snowmobile shall have a grace period of ~~ten--(10)~~ days from the date of purchase to make application for a current tax-paid decal~~;~~ provided~~,--however,~~ that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase shall be carried by the operator or with the snowmobile ~~at--all--times~~. An owner or operator of such a snowmobile being operated after the ~~ten--(10)~~-day grace period without a current tax-paid decal displayed on the snowmobile shall be subject to the penalties of ~~section~~ 53-1027, as amended."

Section 5. Section 69-3502, R.C.M. 1947, is amended to read as follows:

"69-3502. Definitions. As used in this act, unless the context clearly requires a different meaning the following definitions apply:

(1) "Vessel" means every description of watercraft,

unless otherwise defined by the ~~fish-and-game~~ commission ~~of the-state-of-Montana~~, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any vessel propelled by any machinery, ~~any~~ motor, or engine of any description, whether or not such machinery, motor, or engine is the principal source of propulsion. ~~including~~ The term includes boats temporarily equipped with detachable motors or engines, but ~~shall~~ does not include a vessel which has a valid marine document issued by the U.S. coast guard of the United States government or any federal agency successor thereto.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by an agreement ~~and~~ securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Waters of this state" means any waters within the territorial limits of this state.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(7) ~~The word "board" shall mean~~ "Commission" means the fish and game commission of the state of Montana ~~in all sections of this act~~.

(8) "Certificate of number" means the certificate issued annually by the ~~board of equalization~~ county treasurer to the owner of a motorboat~~,~~ or by the registrar of motor vehicles to dealers or manufacturers~~, awarding~~ assigning such motorboat an identifying number and ~~will contain~~ containing such information as required.

(9) "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat.

(10) "License decals" ~~mean~~ means the serially numbered license stickers issued annually by the ~~board of equalization,~~ county treasurer and displayed as required by law.

(11) "Passenger" means every person carried on board a vessel other than:

(a) the owner or his representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(d) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed

any consideration, directly or indirectly, for his carriage.

(12) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

(13) "Documented vessel" means a vessel which has and is required to have a valid marine document as a vessel of the United States.

(14) "Uniform state waterway marking system" means one of two categories:

(a) a system of aids to navigation to supplement the federal system of marking in state waters;

(b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions."

Section 6. Section 69-3503, R.C.M. 1947, is amended to read as follows:

"69-3503. Operation of unnumbered motorboats prohibited -- display of decals. (1) Every motorboat on the waters of this state propelled by a motor or engine of any description shall be properly numbered and display valid license decals. No person ~~shall~~ may operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and displays valid license decals in accordance with this act, in accordance with applicable federal law, or in accordance with a federally

approved numbering system of another state, and unless:

~~(1)~~(a) the certificate of number awarded to ~~such~~ the motorboat is in full force and effect; and

~~(2)~~(b) the identifying number set forth in the certificate of number and the valid license decals are displayed on such motorboat.

(2) Any person who operates a motorboat on the waters of this state without displaying the appropriate numbers and license decals as required by this section ~~shall be~~ is punishable by a fine not to exceed ~~ten dollars ($10)~~. However, the arresting officer may issue a courtesy citation in lieu of the penalty provided for in this subsection."

Section 7. Section 69-3504, R.C.M. 1947, is amended to read as follows:

"69-3504. Identification number. ~~(a)~~(1) The owner of each motorboat requiring numbering by this state shall file an application for number in the office of the county treasurer wherein the motorboat ~~or vessel~~ is owned or taxable, on forms prepared and furnished by the registrar of motor vehicles. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of ~~one ($1) dollar~~. Any alteration, change, or false statement contained in the application ~~for certificate of registration~~ will render the certificate of number ~~null and~~ void. Upon receipt of the application in approved form, the county

treasurer shall issue to the applicant a certificate of number prepared and furnished by the registrar of motor vehicles, stating the number awarded to the motorboat and the name and address of the owner. The number awarded must be painted on or attached to each outboard side of the forward half of the motorboat, or, if there are no such sides, at a corresponding location on both outboard sides of the foredeck of the motorboat for which it is issued. The number awarded shall read from left to right, be in Arabic numerals, in block characters of good proportion, a minimum of ~~three (3)~~ inches in height, excluding border or trim, ~~and~~ of a color which shall contrast with the color of the background, and be so maintained as to be clearly visible and legible. The number shall not be placed on the obscured underside of the flared bow where the angle is such that the numbers cannot be easily seen from another vessel or ashore. No numerals, letters, or devices, other than those used in connection with the identifying number issued, ~~shall~~ may be placed in the proximity of the identifying number, and no numerals, letters, or devices which might interfere with the ready identification of the motorboat by its identifying number ~~shall~~ may be carried as to interfere with the motorboat's identification. The certificate of number shall be pocket size and shall be available to federal, state, or local law enforcement officers at all reasonable times for

inspection on the motorboat for which issued, whenever the motorboat is on waters of this state. ~~except--boat~~ Boat liveries are not required to have the certificate of number on board each motorboat, ~~except that~~ but a rental agreement must be carried on board livery motorboats in place of the certificate of number.

~~(b)~~(2) Before filing such application with the county treasurer, the applicant shall submit the same to the county assessor, ~~of said county and said county assessor~~ who shall enter on ~~said~~ the application, in a space to be provided for that purpose, the full and true and assessed valuation of ~~said~~ the vehicle for the year for which ~~said~~ the application for registration is made.

~~(c)~~(3) The applicant ~~shall~~, upon the filing of the application, shall pay to the county treasurer, the registration fee and shall also pay the personal property taxes assessed against the motorboat or vessel for the current year of registration before the application for registration or reregistration may be accepted by the county treasurer.

~~(d)~~(4) The numbering requirements of this act shall apply to motorboats operated by dealers, manufacturers, or their employees as follows:

~~(i)~~(a) A dealer or manufacturer may apply directly to the registrar of motor vehicles for one ~~(1)~~ identifying

number and one ~~(1)~~ or more certificates of number. A dealer's or manufacturer's identifying number shall be displayed on a dealer's or manufacturer's boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer.

~~(2)~~(b) The application for a dealer's or manufacturer's identifying number shall include the name of the dealer or manufacturer and ~~the~~ his business address ~~of the dealer or manufacturer~~. Each dealer or manufacturer shall have one ~~(1)~~ identifying number assigned to his business.

~~(3)~~(c) An application for dealer's or manufacturer's identifying number and certificate of number shall be accompanied by the following fees:

~~(A)~~(i) for the identifying number, first certificate of number, and set of license decals, ~~five dollars ($5)~~;

~~(B)~~(ii) for each additional certificate of number and set of license decals applied for in any application, ~~two dollars ($2)~~.

~~(4)~~(d) The registrar of motor vehicles shall issue certificates of number for identifying ~~number~~ numbers awarded to a dealer or manufacturer in the same manner as provided in ~~section~~ 59-3504 ~~(a)(1)~~, as amended, except that no boat shall be described in the certificate and each certificate shall state that the identifying number has been

awarded to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on April 30 of the year for which it is issued.

~~(5)~~(e) A dealer's or manufacturer's identifying number shall be displayed in the same manner as provided in ~~section~~ 69-3504 ~~(a)~~ (1), as amended ~~of this act~~, except that the number may be temporarily attached~~.~~ ~~and that the~~ The last three ~~(3)~~ letters shall be "DLR" for dealer and "MFR" for manufacturer~~.~~ ~~these~~ These letters shall be included, respectively, in dealer or manufacturer identification numbers only.

~~(6)~~(f) No person other than a dealer or manufacturer or an employee of a dealer or manufacturer ~~shall~~ may display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

~~(7)~~(g) No dealer or manufacturer or employee of a dealer or manufacturer ~~shall~~ may use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection ~~(1)~~ (4)(a) of this section.

~~(e) The owner of any motorboat already covered by a number in full force and effect, which has been awarded to it pursuant to then operative federal law or a federally~~

~~approved numbering system of another state, shall record the number prior to operating the motorboat on the waters of this state in excess of the sixty (60) day reciprocity period provided for in section 69-3506 (1) of this act. Such recordation shall be in the manner and pursuant to the procedure required for the award of number under subsection (a) of this section.~~

~~(f)~~(5) Should the ownership of a motorboat change, within a reasonable time a new application form with fee shall be filed with the county treasurer and a new certificate of number shall be awarded in the same manner as provided for in an original award of number.

~~(g)~~(6) If an agency of the United States government has in force an ~~over all~~ overall system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this act by the registrar of motor vehicles shall be in conformity therewith.

~~(h)~~(7) Every certificate of number and the license decals awarded under this act shall continue in effect for a period not to exceed ~~one (1)~~ year, unless sooner terminated or discontinued in accordance with the provisions of this act. Certificates of number and license decals shall show the date of expiration thereon and may be renewed by the owner in the same manner provided for in the initial securing of the certificate.

~~(i)~~(8) Certificates of number ~~due~~ shall expire on April 30 of each calendar year and shall no longer be of any effect unless renewed under this act.

~~(j)~~(9) In event of transfer of ownership, the purchaser shall within a reasonable time furnish the county treasurer notice of the acquisition of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this state under this section, or of the loss, theft, destruction, or abandonment of the motorboat, ~~within reasonable time thereof~~. Such transfer, loss, theft, destruction, or abandonment shall terminate the certificate of number for the motorboat, except that in the case of a recovery from theft, or transfer of a part interest which does not affect the owner's right to operate the motorboat, the recovery or transfer does not terminate the certificate of number.

~~(k)~~(10) A holder of a certificate of number shall notify the county treasurer within reasonable time if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, furnish the county treasurer with his new address. The registrar of motor vehicles may provide ~~in its rules~~ by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate

to show the new address of the holder.

~~(l)~~(11) No number other than the number and license decal awarded to a motorboat or granted reciprocity under this act, shall be painted, attached, or otherwise displayed on either side of the forward half of the motorboat.

~~(m)~~(12) Fees collected under this section shall be transmitted to the state treasurer who shall deposit the fees in the motorboat certificate identification account of an earmarked revenue fund. These fees shall be used only for the administration and enforcement of ~~sections~~ 69-3501 through 69-3518, as amended.

~~(n)~~(13) An owner of a motorboat must notify the registrar of motor vehicles, within a reasonable time, giving the motorboat's identifying number and the owner's name, ~~within reasonable time~~, when that motorboat becomes documented as a vessel of the United States, is transferred, lost, destroyed, abandoned, or frauded, or within ~~sixty (60)~~ days after change of state of principal use."

Section 8. Section 69-3505, R.C.M. 1947, is amended to read as follows:

"69-3505. Equipment. (1) Every motorboat or vessel shall have aboard:

(a) ~~One~~ one United States coast guard approved personal flotation device in good and serviceable condition for each person on board, provided, that any person who has

not reached his ~~twelfth~~ 12th birthday shall have a United States coast guard approved life preserver properly fastened to his person when occupying a motorboat or vessel under ~~twenty-six--(26)~~ feet in length while such motorboat or vessel is in motion~~;~~ ~~The fish and game commission shall have the authority to designate waters and time of year on these waters where all persons aboard a motorboat or vessel must wear approved life preservers at all times.~~

~~(b) When in operation or at anchor or moored away from a docking facility between sunset and sunrise all vessels shall display lights as prescribed by the board.~~

~~(c)~~(b) ~~If~~ if carrying or using any inflammable or toxic fluid in any enclosure for any purpose, and if the motorboat or vessel is not an entirely open ~~motorboat or vessel~~ one, an efficient natural or mechanical ventilation system prescribed by the ~~board~~ commission which shall be used and be capable of removing resulting gases prior to, and during the time the motorboat or vessel is occupied by a person~~;~~

~~(d)~~(c) ~~All motorboats shall carry the minimum number of~~ United States coast guard approved hand portable fire extinguishers, the number of which is to be determined by the ~~Montana fish and game~~ commission, or a United States coast guard approved fixed fire extinguishing system, except, that motorboats less than ~~twenty-six (26)~~ feet in

length of entirely open construction, propelled by outboard motors, and not carrying passengers for hire need not carry such portable fire extinguishers or fire extinguishing systems.

(2) Every motorboat or vessel shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with an efficient flame arrester, backfire trap, or other similar device.

(3) ~~The board may adopt rules modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and safety laws or with the navigation and safety rules promulgated by the United States coast guard.~~ When in operation or at anchor or moored away from a docking facility between sunset and sunrise, all vessels shall display lights as prescribed by the commission.

(4) ~~A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.~~ The commission may designate waters where and the time of year on these waters when all persons aboard a motorboat or vessel must wear approved life preservers at all times.

(5) ~~A vessel including houseboats and floating~~

~~cabins, may not be equipped in a manner which will permit discharge of inadequately treated sewage into waters of this state. No container of inadequately treated sewage may be placed, left or discharged in or near waters of this state by anyone at any time. All toilets located on any vessel operated on waters of this state shall have securely affixed to the interior discharge opening of them an operating treatment device or retaining tank meeting the standards established by the board of health and environmental sciences.~~ Vessels, including houseboats and floating cabins, equipped with a galley or toilet shall have~~, not later than April 30, 1976,~~ a wastewater holding system sealed to prevent the discharge of ~~sewage as defined in section 69-4802, R.C.M. 1947~~ water carried waste products, whether treated or untreated, into the surrounding waters.

(6) The commission may adopt rules modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and safety laws or with the navigation and safety rules promulgated by the United States coast guard.

(7) A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section."

Section 9. 69-3507, R.C.M. 1947, is amended to read as

follows:

"69-3507. Boat liveries. ~~(a)~~(1) The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is ~~designated or~~ permitted by him to be operated~~,~~ the identification number ~~thereof and~~ of such vessel, the departure date and time, and the expected time of return. The record shall be preserved for at least ~~six (6)~~ months.

~~(b)~~(2) Neither the owner of a boat livery, nor his agent or employee shall permit any motorboat or any vessel ~~designed or~~ permitted by him to be operated as a motorboat or vessel to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to ~~section~~ 69-3505 and any rules ~~and regulations~~ made pursuant thereto."

Section 10. Section 69-3508, R.C.M. 1947, is amended to read as follows:

"69-3508. *Prohibited operation and mooring -- enforcement.* ~~(a)~~(1) No person ~~shall~~ may operate or knowingly permit any person to operate, any motorboat or vessel, or manipulate any ~~water skis~~ water skis, surfboard, or similar device, or other contrivance, in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

~~(b)~~(2) No person ~~shall~~ may operate, or knowingly

permit any person to operate, any motorboat or vessel, or manipulate any ~~water-skis~~ water skis, surfboard, or similar device, or other contrivance, while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

~~(c)~~(3) It ~~shall be~~ is unlawful for the owner of any motorboat or vessel, or any person having such in charge or in control, to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.

~~(d)~~(4) No person ~~shall~~ may operate, or knowingly permit any person to operate, any motorboat or vessel at a rate of speed greater than will permit such person, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead~~; provided, however, that~~ However, nothing in this act is intended to prevent the operator of a vessel actually competing in a regatta which is sanctioned by an appropriate governmental unit from attempting to attain high speeds on a marked racing course.

~~(e)~~(5) No person ~~shall~~ may make a reckless approach to, departure from, or passage by a dock, ramp, diving board, or float.

~~(f)~~(6) Skiers being pulled by motorboats must have on their person a life preserver, buoyant vest, or ring buoy.

~~(g)~~(7) No person ~~shall~~ may moor a vessel to any of the

buoys or beacons placed in any waters of this state by the authority of the United States, an agency of the United States, or the ~~board nor~~ commission or in any manner hang on with a vessel to such buoy or beacon, except in the act of maintenance work on such buoy or beacon, nor ~~shall~~ may any person deface, remove, or destroy any such buoy, beacon, or other authorized navigational marker maintained in the waters of this state.

~~(h)~~(8) If an officer whose duty it is to enforce the sections of this law observes a vessel being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition and in his judgment, such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring or launching site and to remain there until the situation creating the hazard is corrected or ended."

Section 11. Section 69-3508.1, R.C.M. 1947, is amended to read as follows:

"69-3508.1. Discharge of waste from vessel prohibited. No person shall discharge or cause, permit, or suffer to be discharged any garbage, refuse, waste, or sewage from any vessel into, or upon, or near the waters at any stream,

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river, or lake within the boundaries of the state of Montana."

Section 12. Section 69-3512, R.C.M. 1947, is amended to read as follows:

"69-3512. Collisions, accidents, and casualties. ~~(a)~~(1) ~~It shall be the duty of the~~ The operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), ~~to~~ shall render to other persons affected by the collision, accident, or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and ~~also--to~~ give his name, address, and identification of his vessel in writing to any person injured and to the owner, or person in control of any property damaged in the collision, accident, or other casualty.

~~(b)~~(2) The ~~board~~ commission shall prepare and distribute to each sheriff's office and ~~state~~ each game ~~wardens~~ warden of this state, a standardized accident report form~~,~~. ~~any~~ Any person involved in a collision, accident, or other casualty involving a death, disappearance, personal injury, or property damage in excess of ~~one hundred dollars ($100.00)~~ shall immediately report such collision, accident, or other casualty to the sheriff's office or ~~state~~ game

warden of the county in which the collision, accident, or casualty occurred and fill out a standardized accident report form.

~~(c)~~(3) ~~It shall be the duty of any~~ A sheriff advised of a collision, accident, or other casualty reported under this act~~,~~ ~~to~~ shall:

~~(1)~~(a) conduct an appropriate investigation of such collision, accident, or other casualty; and

~~(2)~~(b) ~~to~~ prepare and submit a report of the results of ~~said~~ the investigation, together with the completed standardized accident report forms, to the ~~board~~ commission."

Section 13. Section 69-3513, R.C.M. 1947, is amended to read as follows:

"69-3513. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the ~~board~~ commission pursuant to ~~section~~ subsections (2) and (3) of 69-3512 ~~(b) and (c)~~, as amended, shall be transmitted to ~~said~~ such official or agency of the United States."

Section 14. Section 69-3514, R.C.M. 1947, is amended to read as follows:

"69-3514. ~~Water skis~~ Water skis and surfboards. ~~(a)~~(1) No person ~~shall~~ may operate a motorboat or vessel on any

waters of this state for the purpose of towing a person or persons on ~~water-skis~~ water skis, a surfboard, or similar device or other contrivance unless ~~said~~ the operator is at least ~~twelve-(12)~~ years of age, and ~~further--providing--that~~ there is a second person, at least ~~twelve-(12)~~ years of age, in the vessel to act as observer to observe the person being towed.

~~(2)~~ ~~nor-shall-any~~ No person may engage in ~~water-skiing~~ waterskiing, surfboarding, or similar activity, or towing some other contrivances at any time between the hours from ~~one~~ 1 hour after sunset to ~~one~~ 1 hour before sunrise~~,~~ ~~provided,--however,~~ except that ~~the--provisions--of~~ this subsection ~~do~~ does not apply to a performer engaged in a professional exhibition or a person ~~or-persons~~ engaged in a regatta or race authorized under this act.

~~(b)~~(3) All ~~right-of-way~~ right-of-way rules applying to the towing vessel shall apply."

Section 15. Section 69-3516, R.C.M. 1947, is amended to read as follows:

"69-3516. Filing of ~~regulations~~ rules. A copy of the ~~regulations~~ rules adopted pursuant to this act, and of any amendments thereto, shall be filed in the office of the ~~board~~ commission and in the office of the secretary of state. Rules ~~and-regulations~~ shall be published by the ~~board~~ commission in a convenient form and made easily available to

all vessel operators."

Section 16. Section 69-3516.1, R.C.M. 1947, is amended to read as follows:

"69-3516.1. Education program. The ~~board~~ commission shall coordinate a statewide boat safety education program."

Section 17. Section 69-3517, R.C.M. 1947, is amended to read as follows:

"69-3517. Enforcement of act. It shall be the duty of the ~~fish-and-game~~ commission to enforce the sections of this law. The state fish and game director shall employ all the necessary personnel to comply with this section. All sheriffs and peace officers of the state of Montana and all United States coast guard law enforcement officers shall have authority to enforce provisions of ~~sections~~ 69-3501 through 69-3518, as amended."

Section 18. Section 69-3518, R.C.M. 1947, is amended to read as follows:

"69-3518. Penalty. Violations of any section of this ~~act~~ chapter unless otherwise specified shall be a misdemeanor and be punishable by fine of not less than ~~fifteen-dollars-($15)~~ or more than ~~five--hundred--dollars ($500.00)~~ or by imprisonment up to ~~six-(6)~~ months, or by both such fine and imprisonment. All fine and bond forfeitures shall be transmitted to the state treasurer who shall deposit such fines and forfeitures in the motorboat

account of an earmarked fund~~,~~ ~~the~~ The moneys shall be used only by the ~~fish-and--game~~ commission for enforcement of ~~sections~~ 69-3501 through 69-3518, as amended."

Section 19. Section 69-6601, R.C.M. 1947, is amended to read as follows:

"69-6601. Policy of state. In order to safeguard the life, health, property, and welfare of the citizens of Montana while using passenger tramways, as defined in ~~section 2 of (~~69-6602~~) of this act~~, it shall be the policy of the state to protect its citizens and visitors from unnecessary mechanical hazards in the design, construction, and operation of passenger tramways, but not from the hazards inherent in the sports of mountaineering, skiing, and hiking, or from the hazards of the area ~~served~~ utilized by the skier or other sportsman~~;~~ and that periodic inspections be required of passenger tramways with a view to assuring that each one of them meets the rules ~~and regulations as~~ set forth by the department. The state, through the department, shall register all passenger tramways in the state, establish reasonable standards of design, construction, and operational practices, and cause to be made such inspections as may be necessary in carrying this policy into effect."

Section 20. Section 69-6610, R.C.M. 1947, is amended to read as follows:

"69-6610. Additional powers and duties of department. ~~(1)~~ In addition to all other powers and duties conferred and imposed upon the department by this ~~article~~ chapter, the department shall ~~have and exercise the following powers and duties~~:

~~(a)~~(1) ~~To~~ adopt reasonable rules ~~and regulations~~ relating to public safety in the design, construction, and operation of passenger tramways, but which ~~shall~~ may not relate or pertain to an area served by a passenger tramway. In adopting such rules ~~and regulations~~ the department shall:

(a) use as a guideline the standards contained in "The American National Standards Institute--Safety Requirements for Aerial Passenger Tramways", ANSI B 77.1--1970, as amended from time to time, or equivalent, and as amended or supplemented from time to time by the department~~;~~ ~~and shall not be discriminatory in their application to operators of passenger tramways, and shall~~

(b) hold hearings and take in all evidence relating to the adoption of these rules, ~~and regulations; and the department shall~~

(2) supply to each operator a copy of its rules ~~and regulations~~ and each amendment thereto or revision thereof~~;~~

(3) avoid discrimination in application of the rules to operators of passenger tramways;

~~(b)~~(4) ~~To~~ hold hearings and take evidence in all

matters relating to the exercise and performance of the powers and duties vested in the department, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry;

~~(c)~~(5) ~~To~~ approve, deny, revoke, and renew the registrations provided for in this chapter;

~~(d)~~(6) ~~To~~ cause the prosecution and enjoinder of all persons violating the provisions of this chapter and incur the necessary expenses thereof;

~~(e)--To-elect-officers-and-adopt-a-seal--which--may--be affixed-to-all-registrations-issued-by-the-department;~~

~~(f)~~(7) ~~To~~ employ, within the funds available, and prescribe the duties of ~~a-secretary-and~~ such ~~other~~ personnel as the department ~~shall-deem~~ considers necessary."

Section 21. Section 69-6615, R.C.M. 1947, is amended to read as follows:

"69-6615. Tramways not common ~~carrier~~ carriers or public utilities. Passenger tramways shall not be construed to be common ~~carrier~~ carriers or public utilities for the purposes of regulation within the meaning of the laws of the state of Montana."

-End-

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LC 0005

1977 Legislature
Code Commissioner Bill - Summary

_____ Bill No._____

FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL VEHICLES AND CONVEYANCES.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 53-1014. In (2) changed "and" to "or" to correct apparent error.

Section 2. 53-1017. Changed "shall be" and "shall be deemed to be" to "is". Deleted the preposition "for" after "provided".

Section 3. 53-1019. Deleted subsection (4) requiring a lighted headlight and tail light between the hours dusk and dawn because it conflicts with 53-1018 (3) which requires a lighted headlight and tail light at all times during operation.

Section 4. 53-1026. Deleted "at all times" at end of first sentence of (2) because redundant.

Section 5. 69-3502. Changed subsection (7) definition of "board" (meaning fish and game commission) to "commission".

Changed subsection (8) and (10) references to "board of equalization" to "county treasurer", since under 69-3504(a) and 69-3504.1(1) the county treasurer now performs these functions. The references were overlooked by a 1973 bill which replaced "board of equalization" with "department of revenue" and a 1974 bill which replaced "department of revenue" with "county treasurer". In subsection (8), because the registrar of motor vehicles issues the certificate of number to manufacturers and dealers under 69-3504(d)(4), a reference to "registrar of motor vehicles" was added along with the county treasurer.

Section 6. 69-3503. In first sentence added the article "a" and changed "shall be" to "is". Changed numbering and arrangement of subsection. Added "and" before "unless" to avoid a possible double negative construction.

Section 7. 69-3504. Changed "shall" to "may" when used with a negative to correct grammar and to indicate a stronger prohibition. Deleted subsection (e) because it conflicts with 69-3506(1). Deleted "vessel" since "vessels" don't need a "certificate of number". Deleted "certificate of registration" since it is the same thing as the "certificate of number".

Section 8. 69-3505. Changed "board" to "commission" in accordance with definition change of section 5 of this bill.

Rearranged subsections as follows: last part of subsection (1)(a) is renumbered subsection (4). Subsection (1)(b) is renumbered subsection (3). Subsection (3) is renumbered subsection (6). Subsection (4) is renumbered subsection (7).

In subsection (1)(d)[renumbered (1)(c)]"the minimum number of" was deleted. By saying "the minimum number" of fire extinguishers shall be carried it would technically be illegal to carry more - a ridiculous result. The section goes on to specify how many shall be carried, hence it is needless to say "the minimum number".

The first paragraph of subsection (5), generally forbidding discharge of inadequately treated sewage from a vessel, appears to be in conflict with 69-3508.1, which prohibits discharge of any waste or sewage. At any rate, as of April 30, 1976, the first paragraph was superseded by the second paragraph, hence the first paragraph is deleted.

The second paragraph of subsection (5) refers to 69-4802 for a definition of sewage. That definition by its terms would seem applicable to buildings only, and not to vessels. To avoid any dispute as to what constitutes sewage the definition itself is inserted in this paragraph, and the reference to 69-4802 is deleted.

Section 9. 69-3057. Deleted "designated" in (1) and "designed" in (2) as confusing and unnecessary language.

Section 10. 69-3508. Changed "shall" to "may". Changed "board" to "commission" in accordance with the definition change of section 5 of this bill.

Section 11. 69-3508.1. Added sanction against disposing of waste "near the water of any stream", i.e., on the banks of any stream. This sanction is in the first paragraph of 69-3505(5), which is deleted pursuant to explanation of section 8, hence should be included in this section.

Section 12. 69-3512. Changed "it shall be the duty of" to "shall" and changed "board" to "commission" in accordance with the definition change of section 5 of this bill.

Section 13. 69-3513. Changed "board" to "commission" pursuant to definition change of section 5.

Section 14. 69-3514. Changed "shall" to "may".

Section 15. 69-3516. Changed "board" to "commission" pursuant to definition change of section 5.

Section 16. 69-3516.1. Changed "board" to "commission" pursuant to definition change of section 5.

Section 17. 69-3517. Deleted "fish and game" before "commission" since "commission" is defined as the fish and game commission and is uniformly referred to as "the commission".

Section 18. 69-3518. Section 69-3508.1 prohibits discharge of waste from a vessel. 69-3508.2 formerly provided a penalty. In 1975 the legislature, in Section 2, Chapter 308, Laws 1975, repealed the penalty provision under the impression that the general penalty provision in 69-3518 would thus become applicable. But by its terms, 69-3518 applies only to the act of which it was a part, i.e., Chapter 285, Laws 1959. 69-3508.1 was not a part of that act, hence the penalty of 69-3518 does not apply to 69-3508.1, and consequently that section currently carries no penalty.

Changed "this act" in 69-3518 to "this chapter", meaning Chapter 35 of Title 69 of the Revised Codes of Montana. References to "this chapter" in the R.C.M. uniformly mean the code chapter rather than the session law chapter. By so doing, it should be noted that 69-3504.1, 69-3508.1, and 69-3516.1 would all be brought under the general penalty provision, whereas before they were not.

Section 19. 69-6601. Changed "served" to "utilized" to correct apparent grammatical misnomer.

Section 20. 69-6610. Changed "article" to "chapter" since there is no such thing as an article in the code and "chapter" appears to be what was intended.

Rearranged subsections to make them more coherent and meaningful.

Subsection (e) is deleted as it pertains to the board of aerial tramway safety which was abolished. This subsection was overlooked at the time the function was switched to the department of administration.

Section 21. 69-6615. Changed "carrier" to "carriers" to make grammatically correct.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION
MONTANA STATE SENATE

January 11, 1977

The second meeting of the Highways and Transportation Committee was called to order on the above date in Room 404 of the State Capitol Building by Chairman Manning at 9:30 a.m.

ROLL CALL: All members were present, with Senators Aber and Etchart arriving late.

The following witnesses were present to testify:

James Beck	Department of Highway
Donald Copley	Department of Highway
Curt Wheeling	Canyon Ferry Yacht Club
Jim Hughes	Canyon Ferry Yacht Club

CONSIDERATION OF SENATE BILL 24: Senator Thiessen, district 27, chief sponsor of the bill, said this bill takes out the requirement that one member of the Highway Commission has to be an attorney. He said the Governor had not asked him to have this bill drawn up, but that he was in favor of it. Senator Thiessen also stated that the Legislative Council had taken the responsibility to clear up some of the language in the bill, which he went over with the committee.

Jim Beck from the Highway Department said that an attorney on the Commission had been set up as part of the executive reorganization. He stated the Department had no stand on the bill.

Mr. Kenneth Clark, United Transportation Union appeared in support of the bill. He felt a person should be selected on his ability, not on whether he was an attorney.

CONSIDERATION OF SENATE BILL 16: Senator Graham presented this bill. He stated that this was a recodification bill. The staff attorney who had worked on the bill was appearing at another meeting and could not be present so Senator Graham felt the bill should be considered at the next meeting.

After some discussion from the members Senator Graham moved that the committee postpone Senate Bill 16 until the next scheduled meeting. Seconded by Senator Hazelbaker. Motion carried. Senators Aber and Etchart absent.

DISPOSITION OF SENATE BILL 24: Senator Lockrem moved that Senate Bill 24 DO PASS. Seconded by Senator Graham. Motion carried. Senators Aber and Etchard absent.

Jim Beck, Highway Department presented the committee with six bills that the Department would like to have introduced. One bill would amend the Relocation Assistance Act, another would define the term "axle". The third bill was the "pro rate bill, which would enable the registrant the option of paying his fees at the time or being bill for them. The next bill would be for construction of off-system road funds to allocate these funds to the counties as per the secondary road formula. The fifth bill would amend the special bridge bill. The last bill would enable a trucker the right to proceed to the first scale if they were less that 5% overweight.

Senator Manning then asked for volunteers from the committee to introduce these bills, which he received.

CONSIDERATION OF SENATE BILL 16: Senator Graham moved that since the codifier for this bill had arrived that the committee reconsider its action taken earlier on this bill. Seconded by Senator Hazelbaker. Motion carried unanimously.

Dave Cogley, staff attorney from the Legislative Council presented the committee with a summary of the changes in this bill, (attached #1). He stated that most of the changes were just clearing up redundant language.

Mr. Jim Hughes, Canyon Ferry Yacht Club, said their main concern was wondering if the intent of the bill had been changed in so far as discharge of waste was concerned. They wondered how waste was actually defined.

Mr. Curt Wheeling, also from the Canyon Ferry Yacht Club, was concerned about this same factor. After some discussion it was felt this would be better covered in a new bill.

Dave Cogley said that it had been brought to his attention by the Fish and Game Department that a few small amendments should be made see exhibit "2".

DISPOSITION OF SENATE BILL 16: Senator moved the amendments. Seconded by Senator Graham. Motion carried unanimously.

Senator Hazelbaker moved that Senate Bill 16 DO PASS AS AMENDED. Seconded by Senator Aber. Motion carried unanimously.

Senator Aber moved the meeting be adjourned. Seconded by Senator Graham. Motion carried. Meeting adjourned.

Dave Manning

SENATOR MANNING CHAIRMAN

HIGHWAYS AND
TRANSPORTATION COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 10	"An act for the General Revision and Clarification of the Laws Relating to Aeronautics; Amending sections 1-401, 1-502, 1-701, 1-702..."	1-14-77	Hazelbaker	3/15/77	CONCURRED IN	3/15/77
HJR 10	"A Joint Resolution of the Senate and the House of Representatives of the State of Montana Requesting the Department of Highways to ..."	1-14-77	Seifert	1-27-77	AS AMENDED, DO	2/22/77
HJR 11	"A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging the Congress of the U.S. to allow a maximum speed of sixty-five miles .."	1-17-77	Teague	1-25-77	DO PASS	2/11/77
SB 16	"An act for the General Revision and Clarification of Laws Relating to Recreational Vehicles and Conveyances; Amending Sections ...."	1-18-77	Graham	3/10/77	CONCURRED IN	3/10/77
SB 24	"An Act to Amend Sections 82A-112 and 82A-706.1, R.C.M. 1947, to Delete Requirement that one Member of the Highway Commission be an Attorney."	1-18-77	Thiessen	3/15/77	CONCURRED IN	3/15/77
HB 206	"An Act to Remove the Requirment of Headgear for Motorcycle Riders Eighteen Years of Age or Older; Amending .."	1-18-77	Courtney	1-27-77	Do Pass	2/2/77

HIGHWAYS AND TRANSPORTATION COMMITTEE

March 10, 1977

The Committee on Highways and Transportation was called to order on March 10, 1977, at 10:00 a.m. with Chairman Baeth presiding and all members present, except Rep. Tropila.

The following bills were scheduled for discussion today: SB 16, SB 147, SB 312 and SJR 36.

SENATE JOINT RESOLUTION 36

Senator Manning, chief sponsor of this resolution, said this was a joint resolution calling for a joint federal-state-local committee to formulate a plan for a bridge across the Missouri River in the vicinity of Winifred, Montana.

Senator Manning said this bridge is estimated to cost approximately $3 million and the two counties of Chouteau and Fergus could not afford this construction from their secondary system funds. Some ground work and engineering has been done, however.

As background, Senator Manning said the Congress included the Missouri Breaks within the National Wild and Scenic Rivers System. This act provides that a bridge may be built across the Missouri River between Winifred and Big Sandy if such bridge is constructed in accordance with a plan which is mutually acceptable to the Secretary of the Interior and to the Montana Highway Commission and the governing bodies of Chouteau and Fergus Counties and is consistent with the purposes of the Wild and Scenic Rivers Act.

The joint committee would formulate a plan for the design, construction, funding and jurisdiction of a bridge across the Missouri River between Winifred and Big Sandy.

Senator Manning also said there is a lack in this state of north and south roads and this bridge would help in that area.

Senator Kolstad, another sponsor of this resolution, said he represents the counties to the north of this area and they are concerned with establishing more north and south roads. A bridge on this river is necessary. It would benefit the whole state.

There were no opponents. Hearing closed on SJR 36.

SENATE BILL 16

Senator Graham, sponsor of this bill, said this bill is a recodification bill. He asked Dave Cogley, attorney for the Legislative Council, to give the committee details on the changes.

Dave Cogley distributed a list of the changes to the committee and highlighted the main ones:

Page 4, lines 20 and 21: This portion relating to snowmobile lights was stricken because of other provisions that are more comprehensive.

Page 7, line 1: The work "board" is changed to "commission". The word "commission means Fish and Game Commission. The word "board" is changed to "commission" throughout the whole bill.

Page 7, lines 5 and 14: "Board of equalization" does not exist any more and it is changed to "county treasurer".

Page 13, last three lines and page 14, first 7 lines: This wording is duplicated in section 69-3506, so this was deleted.

Page 18, line 25 and page 19, first half of page: This language was stricken because the date of April 30, 1976, as stated, is past. Therefore this language no longer applies.

Page 26, line 20: These small changes clarify the penalty provisions for violations.

Page 29, line 12: This language refers to tramways, which jurisdiction was transferred to the Department of Administration. Therefore, this language no longer applies.

There were no opponents. Hearing closed on SB 16.

SENATE BILL 147

Senator Graham, sponsor of this bill, said this bill revised the manner in which excess weight penalties are computed when an operator is found to be overweight at the first state scale.

Jim Beck, attorney for the Department of Highways, said this bill was introduced at the department's request. This is a penalty section. As the present law reads, there would be a fine for any excess weight and the load must be corrected at the scale. The changes would allow a 7% excess at the first scale. With the purchase of a $10 permit, the truck would be

EXECUTIVE SESSION

SENATE BILL 312

Representative Keyser made a motion to be CONCURRED IN. This motion was unanimously approved, with Rep. Tropila absent.

Representative Kanduch will carry it through the House.

SENATE BILL 147

Representative Hansen made a motion to be CONCURRED IN. This motion was unanimously approved, with Rep. Tropila absent.

Representative Hansen will carry it through the House.

SENATE BILL 16

Representative O'Keefe made a motion to be CONCURRED IN. This motion was unanimously approved, with Rep. Tropila absent.

Representative O'Keefe will carry it through the House.

SENATE JOINT RESOLUTION 36

Representative Ernst made a motion to be CONCURRED IN. This motion was unanimously approved, with Rep. Tropila absent.

Representative Ernst will carry it through the House.

Session adjourned at 11:15 a.m.

William R Baeth

William R. Baeth, Chairman

SENATE BILL NO. 16

INTRODUCED BY GRAHAM

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL REVISION AND CLARIFICATION OF LAWS RELATING TO RECREATIONAL VEHICLES AND CONVEYANCES; AMENDING SECTIONS 53-1014, 53-1017, 53-1019, 53-1026, 69-3502 THROUGH 69-3505, 69-3507, 69-3508, 69-3508.1, 69-3512 THROUGH 69-3514, 69-3516, 69-3516.1, 69-3517, 69-3518, 69-6601, 69-6610, AND 69-6615, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-1014, R.C.M. 1947, is amended to read as follows:

"53-1014. Transfer of title or interest. (1) Upon a transfer of any title to or interest in ~~of an owner or owner in or to~~ a snowmobile, registered as required under the provisions of this act ~~as hereinbefore required~~, the person ~~or persons~~ whose title or interest is to be transferred shall write ~~their~~ his ~~signatures~~ signature with pen and ink upon the certificate of ownership issued for ~~such vehicle~~ the snowmobile, in the appropriate space provided upon the reverse side of ~~such~~ the certificate, and such signature shall be acknowledged before a notary public.

(2) Within ~~ten (10)~~ days thereafter, the transferee shall forward both the certificate of ownership so endorsed and the certificate of registration, together with the information required under this act, to the registrar, who shall file ~~the same~~ them upon receipt thereof, ~~and no~~ No certificate of ownership ~~and~~ or certificate of registration ~~shall~~ may be issued by the registrar of motor vehicles until the outstanding certificates are surrendered to that office or their loss established to his reasonable satisfaction. The registrar of motor vehicles shall collect a fee of ~~two dollars ($2)~~ for each application for transfer of ownership.

(3) The provisions of ~~subdivision~~ subsection (2) of this section, requiring a transferee to forward the certificate of ownership after endorsement and the certificate of registration to the registrar, shall not apply in the event of the transfer of a snowmobile to a duly licensed snowmobile dealer intending to resell ~~such vehicle and~~ the snowmobile who operates ~~the same~~ it only for demonstration purposes, but every such dealer ~~shall~~, upon transferring such interest, shall deliver ~~such~~ the certificate of ownership and certificate of registration with an application for registration executed by the new owner in accordance with the provisions of this act~~,~~. ~~and the~~ The registrar, upon receipt of ~~said~~ the certificate of ownership, certificate of registration, and application for registration, together with the conditional sales contract

or other lien, if any, shall issue a new certificate of ownership and certificate of registration together with a statement of any conditional sales contract, mortgage, or other lien."

Section 2. Section 53-1017, R.C.M. 1947, is amended to read as follows:

"53-1017. Report of stolen and recovered snowmobiles. It ~~shall be~~ is the duty of the sheriff of every county of the state and of the chief of police or commissioner of police of every city to make immediate report to the registrar of motor vehicles of all snowmobiles reported to him as stolen or recovered, upon forms provided ~~for~~ by the registrar of motor vehicles. Failure on the part of any officer ~~shall be deemed to be~~ is misfeasance in office and ~~shall constitute~~ constitutes grounds for removal. Upon receipt of such information, the registrar of motor vehicles shall file the same in an index to be known as the "stolen and recovered snowmobile index~~,~~". It ~~shall~~ is also ~~be~~ the duty of the registrar of motor vehicles to file reports of stolen and recovered snowmobiles reported to him from other states. ~~The~~ Once a month the registrar of motor vehicles shall prepare ~~once a month~~ a list of all snowmobiles stolen or recovered during the previous month and forward a copy of the same to every sheriff~~,~~ and all police departments in cities of the first, second, and third class. Such list

shall also be forwarded to the secretary of state~~,~~ or other proper official~~,~~ in each state of the United States. Before a certificate of title, as heretofore provided, shall be issued under this act, the motor and serial number on the motor vehicle to be registered shall be checked against the stolen and recovered snowmobile index."

Section 3. Section 53-1019, R.C.M. 1947, is amended to read as follows:

"53-1019. Unlawful operation on streets and highways. It shall be unlawful for any person to drive or operate any snowmobile upon a public street or highway in any one or more of the following manners:

(1) ~~At~~ at a rate of speed greater than provided by law for motor vehicles~~,~~;

(2) ~~While~~ while under the influence of intoxicating liquor or narcotics or habit-forming drugs~~,~~;

(3) ~~In~~ in a careless or reckless manner so as to endanger the person or property of another~~,~~ or to cause injury or damage to either~~,~~; or

~~(4) Without a lighted head and taillight between the hours of dusk and dawn.~~

~~(5)~~ (4) ~~Operating~~ operation of a snowmobile~~,~~ or permitting such operation~~,~~ by any person who by reason of age or physical or mental disability is incapable of operating the snowmobile as required for safety under the

prevailing circumstances."

Section 4. Section 53-1026, R.C.M. 1947, is amended to read as follows:

"53-1026. Application to be made annually -- grace period -- proof of purchase. (1) Application must be made to the county treasurer for the issuance of tax-paid decals annually. All tax-paid decals expire on June 30 of each year.

(2) An owner of a newly purchased snowmobile shall have a grace period of ~~ten (10)~~ days from the date of purchase to make application for a current tax-paid decal~~,~~ provided~~, however,~~ that at all times during that period a bill of sale or other proof of purchase reciting the date of purchase shall be carried by the operator or with the snowmobile ~~at all times~~. An owner or operator of such a snowmobile being operated after the ~~ten (10)~~ day grace period without a current tax-paid decal displayed on the snowmobile shall be subject to the penalties of ~~section~~ 53-1027, as amended."

Section 5. Section 69-3502, R.C.M. 1947, is amended to read as follows:

"69-3502. Definitions. As used in this act, unless the context clearly requires a different meaning the following definitions apply:

(1) "Vessel" ~~+~~ means every description of watercraft,

unless otherwise defined by the ~~fish and game~~ commission ~~of the state of Montana~~, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(2) "Motorboat" means any vessel propelled by any machinery, ~~any~~ motor, or engine of any description, whether or not such machinery, motor, or engine is the principal source of propulsion~~,~~. ~~including~~ The term includes boats temporarily equipped with detachable motors or engines~~,~~ but ~~shall~~ does not include a vessel which has a valid marine document issued by the U.S. coast guard of the United States government or any federal agency successor thereto.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by an agreement ~~and~~ securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

(4) "Waters of this state" means any waters within the territorial limits of this state.

(5) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(7) ~~The word "board" shall mean~~ "Commission" means the fish and game commission of the state of Montana ~~in all sections of this act~~.

(8) "Certificate of number" means the certificate issued annually by the ~~board of equalization~~ county treasurer to the owner of a motorboat~~,~~ or by the registrar of motor vehicles to dealers or manufacturers, ~~awarding~~ assigning such motorboat an identifying number and ~~will contain~~ containing such information as required.

(9) "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat.

(10) "License decals" ~~mean~~ means the serially numbered license stickers issued annually by the ~~board of equalization,~~ county treasurer and displayed as required by law.

(11) "Passenger" means every person carried on board a vessel other than:

(a) the owner or his representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(d) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed

any consideration, directly or indirectly, for his carriage.

(12) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

(13) "Documented vessel" means a vessel which has and is required to have a valid marine document as a vessel of the United States.

(14) "Uniform state waterway marking system" means one of two categories:

(a) a system of aids to navigation to supplement the federal system of marking in state waters;

(b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions."

Section 6. Section 69-3503, R.C.M. 1947, is amended to read as follows:

"69-3503. Operation of unnumbered motorboats prohibited -- display of decals. (1) Every motorboat on the waters of this state propelled by a motor or engine of any description shall be properly numbered and display valid license decals. No person ~~shall~~ may operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered and displays valid license decals in accordance with this act, in accordance with applicable federal law, or in accordance with a federally

approved numbering system of another state, and unless:

~~(1)~~ (a) the certificate of number awarded to ~~such~~ the motorboat is in full force and effect~~,~~; and

~~(2)~~ (b) the identifying number set forth in the certificate of number and the valid license decals are displayed on such motorboat.

(2) Any person who operates a motorboat on the waters of this state without displaying the appropriate numbers and license decals as required by this section ~~shall be~~ is punishable by a fine not to exceed ~~ten dollars ($10)~~. However, the arresting officer may issue a courtesy citation in lieu of the penalty provided for in this subsection."

Section 7. Section 69-3504, R.C.M. 1947, is amended to read as follows:

"69-3504. Identification number. ~~(a)~~ (1) The owner of each motorboat requiring numbering by this state shall file an application for number in the office of the county treasurer wherein the motorboat ~~or vessel~~ is owned or taxable~~,~~ on forms prepared and furnished by the registrar of motor vehicles. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee of ~~one ($1) dollar~~. Any alteration, change, or false statement contained in the application ~~for certificate of registration~~ will render the certificate of number ~~null and~~ void. Upon receipt of the application in approved form, the county

treasurer shall issue to the applicant a certificate of number prepared and furnished by the registrar of motor vehicles, stating the number awarded to the motorboat and the name and address of the owner. The number awarded must be painted on or attached to each outboard side of the forward half of the motorboat~~,~~ or, if there are no such sides, at a corresponding location on both outboard sides of the foredeck of the motorboat for which it is issued. The number awarded shall read from left to right, be in Arabic numerals, in block characters of good proportion, a minimum of ~~three (3)~~ inches in height~~,~~ excluding border or trim, ~~and~~ of a color which shall contrast with the color of the background, and be so maintained as to be clearly visible and legible. The number shall not be placed on the obscured underside of the flared bow where the angle is such that the numbers cannot be easily seen from another vessel or ashore. No numerals, letters, or devices, other than those used in connection with the identifying number issued, ~~shall~~ may be placed in the proximity of the identifying number, and no numerals, letters, or devices which might interfere with the ready identification of the motorboat by its identifying number ~~shall~~ may be carried as to interfere with the motorboat's identification. The certificate of number shall be pocket size and shall be available to federal, state, or local law enforcement officers at all reasonable times for

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inspection on the motorboat for which issued~~,~~ whenever the motorboat is on waters of this state~~,~~. ~~except boat~~ Boat liveries are not required to have the certificate of number on board each motorboat, ~~except that~~ but a rental agreement must be carried on board livery motorboats in place of the certificate of number.

~~(b)~~ (2) Before filing such application with the county treasurer, the applicant shall submit the same to the county assessor, ~~of said county and said county assessor~~ who shall enter on ~~said~~ the application, in a space to be provided for that purpose, the full and true and assessed valuation of ~~said~~ the ~~vehicle~~ MOTORBOAT for the year for which ~~said~~ the application for registration is made.

~~(c)~~ (3) The applicant ~~shall~~, upon the filing of the application, shall pay to the county treasurer~~,~~ the registration fee and shall also pay the personal property taxes assessed against the motorboat or vessel for the current year of registration before the application for registration or reregistration may be accepted by the county treasurer.

~~(d)~~ (4) The numbering requirements of this act shall apply to motorboats operated by dealers, manufacturers, or their employees as follows:

~~(1)~~ (a) A dealer or manufacturer may apply directly to the registrar of motor vehicles for one ~~(1)~~ identifying

number and one ~~(1)~~ or more certificates of number. A dealer's or manufacturer's identifying number shall be displayed on a dealer's or manufacturer's boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer.

~~(2)~~ (b) The application for a dealer's or manufacturer's identifying number shall include the name of the dealer or manufacturer and ~~the~~ his business address ~~of the dealer or manufacturer~~. Each dealer or manufacturer shall have one ~~(1)~~ identifying number assigned to his business.

~~(3)~~ (c) An application for dealer's or manufacturer's identifying number and certificate of number shall be accompanied by the following fees:

~~(A)~~ (i) for the identifying number, first certificate of number, and set of license decals, ~~five dollars ($5)~~;

~~(B)~~ (ii) for each additional certificate of number and set of license decals applied for in any application, ~~two dollars ($2)~~.

~~(4)~~ (d) The registrar of motor vehicles shall issue certificates of number for identifying ~~number~~ numbers awarded to a dealer or manufacturer in the same manner as provided in ~~section~~ 69-3504 ~~(a)~~ (1), as amended, except that no boat shall be described in the certificate and each certificate shall state that the identifying number has been

awarded to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on April 30 of the year for which it is issued.

~~(5)~~ (e) A dealer's or manufacturer's identifying number shall be displayed in the same manner as provided in ~~section~~ 69-3504 ~~(a)~~ (1), as amended ~~of this act~~, except that the number may be temporarily attached~~,~~ ~~and that the~~ The last three ~~(3)~~ letters shall be "DLR" for dealer and "MFR" for manufacturer~~,~~ ~~those~~ These letters shall be included, respectively, in dealer or manufacturer identification numbers only.

~~(6)~~ (f) No person other than a dealer or manufacturer or an employee of a dealer or manufacturer ~~shall~~ may display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

~~(7)~~ (g) No dealer or manufacturer or employee of a dealer or manufacturer ~~shall~~ may use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection ~~(1)~~ (4)(a) of this section.

~~(8) The owner of any motorboat already covered by a number in full force and effect, which has been awarded to it pursuant to then operative federal law or a federally~~

~~approved numbering system of another state, shall record the number prior to operating the motorboat on the waters of this state in excess of the sixty (60) day reciprocity period provided for in section 69-3506 (1) of this act. Such recordation shall be in the manner and pursuant to the procedure required for the award of number under subsection (a) of this section.~~

~~(f)~~ (5) Should the ownership of a motorboat change, within a reasonable time a new application form with fee shall be filed with the county treasurer and a new certificate of number shall be awarded in the same manner as provided for in an original award of number.

~~(g)~~ (6) If an agency of the United States government has in force an ~~over-all~~ overall system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this act by the registrar of motor vehicles shall be in conformity therewith.

~~(h)~~ (7) Every certificate of number and the license decals awarded under this act shall continue in effect for a period not to exceed ~~one (1)~~ year, unless sooner terminated or discontinued in accordance with the provisions of this act. Certificates of number and license decals shall show the date of expiration thereon and may be renewed by the owner in the same manner provided for in the initial securing of the certificate.

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~~(i)~~ (8) Certificates of number ~~due~~ shall expire on April 30 of each calendar year and shall no longer be of any effect unless renewed under this act.

~~(j)~~ (9) In event of transfer of ownership, the purchaser shall within a reasonable time furnish the county treasurer notice of the acquisition of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this state under this section, or of the loss, theft, destruction, or abandonment of the motorboat, ~~within reasonable time thereof~~. Such transfer, loss, theft, destruction, or abandonment shall terminate the certificate of number for the motorboat, except that in the case of a recovery from theft, or transfer of a part interest which does not affect the owner's right to operate the motorboat, the recovery or transfer does not terminate the certificate of number.

~~(k)~~ (10) A holder of a certificate of number shall notify the county treasurer within reasonable time if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, furnish the county treasurer with his new address. The registrar of motor vehicles may provide ~~in its rules~~ by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate

to show the new address of the holder.

~~(l)~~ (11) No number other than the number and license decal awarded to a motorboat or granted reciprocity under this act, shall be painted, attached, or otherwise displayed on either side of the forward half of the motorboat.

~~(m)~~ (12) Fees collected under this section shall be transmitted to the state treasurer who shall deposit the fees in the motorboat certificate identification account of an earmarked revenue fund. These fees shall be used only for the administration and enforcement of ~~sections~~ 69-3501 through 69-3518, as amended.

~~(n)~~ (13) An owner of a motorboat must notify the registrar of motor vehicles, within a reasonable time, giving the motorboat's identifying number and the owner's name, ~~within reasonable time,~~ when that motorboat becomes documented as a vessel of the United States, is transferred, lost, destroyed, abandoned, or frauded, or within ~~sixty (60)~~ days after change of state of principal use."

Section 8. Section 69-3505, R.C.M. 1947, is amended to read as follows:

"69-3505. Equipment. (1) Every motorboat or vessel shall have aboard:

(a) ~~One~~ one United States coast guard approved personal flotation device in good and serviceable condition for each person on board, provided, that any person who has

not reached his ~~twelfth~~ 12th birthday shall have a United States coast guard approved life preserver properly fastened to his person when occupying a motorboat or vessel under ~~twenty-six (26)~~ feet in length while such motorboat or vessel is in motion~~.~~; ~~The fish and game commission shall have the authority to designate waters and time of year on these waters where all persons aboard a motorboat or vessel must wear approved life preservers at all times.~~

~~(b) When in operation or at anchor or moored away from a docking facility between sunset and sunrise all vessels shall display lights as prescribed by the board.~~

~~(c)~~(b) ~~If~~ if carrying or using any inflammable or toxic fluid in any enclosure for any purpose, and if the motorboat or vessel is not an entirely open ~~motorboat or vessel~~ one, an efficient natural or mechanical ventilation system prescribed by the ~~board~~ commission which shall be used and be capable of removing resulting gases prior to~~,~~ and during the time the motorboat or vessel is occupied by a person~~.~~;

~~(d)~~(c) ~~All motorboats shall carry the minimum number of~~ United States coast guard approved hand portable fire extinguishers, the number of which is to be determined by the ~~Montana fish and game~~ commission, or a United States coast guard approved fixed fire extinguishing system, except~~,~~ that motorboats less than ~~twenty-six (26)~~ feet in

length of entirely open construction, propelled by outboard motors, and not carrying passengers for hire need not carry such portable fire extinguishers or fire extinguishing systems.

(2) Every motorboat or vessel shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel~~,~~ equipped with an efficient flame arrester, backfire trap, or other similar device.

(3) ~~The board may adopt rules modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and safety laws or with the navigation and safety rules promulgated by the United States coast guard.~~ When in operation or at anchor or moored away from a docking facility between sunset and sunrise, all vessels shall display lights as prescribed by the commission.

(4) ~~A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.~~ The commission may designate waters where and the time of year on these waters when all persons aboard a motorboat or vessel must wear approved life preservers at all times.

(5) ~~A vessel, including houseboats and floating~~

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~~cabins, may not be equipped in a manner which will permit discharge of inadequately treated sewage into waters of this state. No container of inadequately treated sewage may be placed, left or discharged in or near waters of this state by anyone at any time. All toilets located on any vessel operated on waters of this state shall have securely affixed to the interior discharge opening of them an operating treatment device or retaining tank meeting the standards established by the board of health and environmental sciences.~~ Vessels, including houseboats and floating cabins, equipped with a galley or toilet shall have~~, not later than April 30, 1976,~~ a wastewater holding system sealed to prevent the discharge of ~~sewage as defined in section 69-4802, R.C.M. 1947~~ water carried waste products, whether treated or untreated, into the surrounding waters.

(6) The commission may adopt rules modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation and safety laws or with the navigation and safety rules promulgated by the United States coast guard.

(7) A person may not operate or give permission for the operation of a vessel which is not equipped as required by this section."

Section 9. 69-3507, R.C.M. 1947, is amended to read as

follows:

"69-3507. Boat liveries. ~~(a)~~ (1) The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is ~~designated or~~ permitted by him to be operated~~,~~ the identification number ~~thereof, and~~ of such vessel, the departure date and time, and the expected time of return. The record shall be preserved for at least ~~six (6)~~ months.

~~(b)~~ (2) Neither the owner of a boat livery~~,~~ nor his agent or employee shall permit any motorboat or any vessel ~~designed or~~ permitted by him to be operated as a motorboat or vessel to depart from his premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to ~~section~~ 69-3505 and any rules ~~and regulations~~ made pursuant thereto."

Section 10. Section 69-3508, R.C.M. 1947, is amended to read as follows:

"69-3508. Prohibited operation and mooring -- enforcement. ~~(a)~~ (1) No person ~~shall~~ may operate or knowingly permit any person to operate~~,~~ any motorboat or vessel~~,~~ or manipulate any ~~water skis~~ water skis, surfboard, or similar device~~,~~ or other contrivance~~,~~ in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

~~(b)~~ (2) No person ~~shall~~ may operate~~,~~ or knowingly

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permit any person to operate, any motorboat or vessel, or manipulate any ~~water skis~~ water skis, surfboard, or similar device, or other contrivance, while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana.

~~(c)~~ (3) It ~~shall be~~ is unlawful for the owner of any motorboat or vessel, or any person having such in charge or in control, to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.

~~(d)~~ (4) No person ~~shall~~ may operate, or knowingly permit any person to operate, any motorboat or vessel at a rate of speed greater than will permit such person, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead; ~~provided, however, that~~ However, nothing in this act is intended to prevent the operator of a vessel actually competing in a regatta which is sanctioned by an appropriate governmental unit from attempting to attain high speeds on a marked racing course.

~~(e)~~ (5) No person ~~shall~~ may make a reckless approach to, departure from, or passage by a dock, ramp, diving board, or float.

~~(f)~~ (6) Skiers being pulled by motorboats must have on their person a life preserver, buoyant vest, or ~~ring buoy~~ SKI BELT.

~~(g)~~ (7) No person ~~shall~~ may moor a vessel to any of the buoys or beacons placed in any waters of this state by the authority of the United States, an agency of the United States, or the ~~board nor~~ commission or in any manner hang on with a vessel to such buoy or beacon, except in the act of maintenance work on such buoy or beacon, nor ~~shall~~ may any person deface, remove, or destroy any such buoy, beacon, or other authorized navigational marker maintained in the waters of this state.

~~(h)~~ (8) If an officer whose duty it is to enforce the sections of this law observes a vessel being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition and in his judgment, such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring or launching site and to remain there until the situation creating the hazard is corrected or ended."

Section 11. Section 69-3508.1, R.C.M. 1947, is amended to read as follows:

"69-3508.1. Discharge of waste from vessel prohibited. No person shall discharge or cause, permit, or suffer to be discharged any garbage, refuse, waste, or sewage from any

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vessel into, ~~or~~ upon, or near the waters at any stream, river, or lake within the boundaries of the state of Montana."

Section 12. Section 69-3512, R.C.M. 1947, is amended to read as follows:

"69-3512. Collisions, accidents, and casualties. ~~(a)~~(1) ~~It shall be the duty of the~~ The operator of a vessel involved in a collision, accident, or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers (if any), ~~to~~ shall render to other persons affected by the collision, accident, or other casualty, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and ~~also to~~ give his name, address, and identification of his vessel in writing to any person injured and to the owner, or person in control of any property damaged in the collision, accident, or other casualty.

~~(b)~~(2) The ~~board~~ commission shall prepare and distribute to each sheriff's office and ~~state~~ each game ~~wardens~~ warden of this state, a standardized accident report form~~s~~, ~~any~~ Any person involved in a collision, accident, or other casualty involving a death, disappearance, personal injury, or property damage in excess of ~~one hundred dollars~~ ($100.00) shall immediately report such collision, accident,

or other casualty to the sheriff's office or ~~state~~ game warden of the county in which the collision, accident, or casualty occurred and fill out a standardized accident report form.

~~(c)~~(3) ~~It shall be the duty of any~~ A sheriff advised of a collision, accident, or other casualty reported under this act~~, to~~ shall:

~~(1)~~(a) conduct an appropriate investigation of such collision, accident, or other casualty; and

~~(2)~~(b) ~~to~~ prepare and submit a report of the results of ~~said~~ the investigation, together with the completed standardized accident report forms, to the ~~board~~ commission."

Section 13. Section 69-3513, R.C.M. 1947, is amended to read as follows:

"69-3513. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the ~~board~~ commission pursuant to ~~section~~ subsections (2) and (3) of 69-3512 ~~(b) and (c)~~, as amended, shall be transmitted to ~~said~~ such official or agency of the United States."

Section 14. Section 69-3514, R.C.M. 1947, is amended to read as follows:

"69-3514. ~~Water skis~~ Water skis and surfboards. ~~(a)~~(1)

No person ~~shall~~ may operate a motorboat or vessel on any waters of this state for the purpose of towing a person or persons on ~~water skis~~ water skis, a surfboard, or similar device or other contrivance unless ~~said~~ the operator is at least ~~twelve (12)~~ years of age~~,~~ and ~~further providing that~~ there is a second person, at least ~~twelve (12)~~ years of age, in the vessel to act as observer to observe the person being towed~~,~~.

~~(2) nor shall any~~ No person may engage in ~~water skiing~~ waterskiing, surfboarding, or similar activity~~,~~ or towing some other contrivances at any time between the hours from ~~one~~ 1 hour after sunset to ~~one~~ 1 hour before sunrise~~,~~ ~~provided, however,~~ except that ~~the provisions of~~ this subsection ~~do~~ does not apply to a performer engaged in a professional exhibition or a person ~~or persons~~ engaged in a regatta or race authorized under this act.

~~(b)~~ (3) All ~~right of way~~ right-of-way rules applying to the towing vessel shall apply."

Section 15. Section 69-3516, R.C.M. 1947, is amended to read as follows:

"69-3516. Filing of ~~regulations~~ rules. A copy of the ~~regulations~~ rules adopted pursuant to this act~~,~~ and of any amendments thereto~~,~~ shall be filed in the office of the ~~board~~ commission and in the office of the secretary of state. Rules ~~and regulations~~ shall be published by the ~~board~~

commission in a convenient form and made easily available to all vessel operators."

Section 16. Section 69-3516.1, R.C.M. 1947, is amended to read as follows:

"69-3516.1. Education program. The ~~board~~ commission shall coordinate a statewide boat safety education program."

Section 17. Section 69-3517, R.C.M. 1947, is amended to read as follows:

"69-3517. Enforcement of act. It shall be the duty of the ~~fish and game~~ commission to enforce the sections of this law. The state fish and game director shall employ all the necessary personnel to comply with this section. All sheriffs and peace officers of the state of Montana and all United States coast guard law enforcement officers shall have authority to enforce provisions of ~~sections~~ 69-3501 through 69-3518, as amended."

Section 18. Section 69-3518, R.C.M. 1947, is amended to read as follows:

"69-3518. Penalty. Violations of any section of this ~~act~~ chapter unless otherwise specified shall be a misdemeanor and be punishable by fine of not less than ~~fifteen dollars ($15)~~ or more than ~~five hundred dollars ($500.00)~~ or by imprisonment up to ~~six (6)~~ months~~,~~ or by both such fine and imprisonment. All fine and bond forfeitures shall be transmitted to the state treasurer who

shall deposit such fines and forfeitures in the motorboat account of an earmarked fund~~,~~ ~~the~~ The moneys shall be used only by the ~~fish and game~~ commission for enforcement of ~~sections~~ 69-3501 through 69-3518~~,~~ as amended."

Section 19. Section 69-6601, R.C.M. 1947, is amended to read as follows:

"69-6601. Policy of state. In order to safeguard the life, health, property~~,~~ and welfare of the citizens of Montana while using passenger tramways, as defined in ~~section 2 [69-6602] of this act~~, it shall be the policy of the state to protect its citizens and visitors from unnecessary mechanical hazards in the design~~,~~ construction~~,~~ and operation of passenger tramways, but not from the hazards inherent in the sports of mountaineering, skiing~~,~~ and hiking~~,~~ or from the hazards of the area ~~served~~ utilized by the skier or other sportsman~~;~~ and that periodic inspections be required of passenger tramways with a view to assuring that each one of them meets the rules ~~and regulations as~~ set forth by the department. The state, through the department, shall register all passenger tramways in the state, establish reasonable standards of design, construction~~,~~ and operational practices~~,~~ and cause to be made such inspections as may be necessary in carrying this policy into effect."

Section 20. Section 69-6610, R.C.M. 1947, is amended

to read as follows:

"69-6610. Additional powers and duties of department. ~~(1)~~ In addition to all other powers and duties conferred and imposed upon the department by this ~~article~~ chapter, the department shall ~~have and exercise the following powers and duties~~:

~~(a)~~(1) ~~To~~ adopt reasonable rules ~~and regulations~~ relating to public safety in the design, construction~~,~~ and operation of passenger tramways~~,~~ but which ~~shall~~ may not relate or pertain to an area served by a passenger tramway. In adopting such rules ~~and regulations~~ the department shall:

(a) use as a guideline the standards contained in "The American National Standards Institute--Safety Requirements for Aerial Passenger Tramways~~,~~", ANSI B 77.1--1970, as amended from time to time, or equivalent~~,~~ and as amended or supplemented from time to time by the department~~,~~; ~~and shall not be discriminatory in their application to operators of passenger tramways, and shall~~

(b) hold hearings and take in all evidence relating to the adoption of these rules~~,~~ ~~and regulations; and the department shall~~

(2) supply to each operator a copy of its rules ~~and regulations~~ and each amendment thereto or revision thereof~~,~~;

(3) avoid discrimination in application of the rules to operators of passenger tramways;

~~(b)~~ (4) ~~To~~ hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the department, subpoena witnesses, administer oaths, and compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry;

~~(c)~~ (5) ~~To~~ approve, deny, revoke, and renew the registrations provided for in this chapter;

~~(d)~~ (6) ~~To~~ cause the prosecution and enjoinder of all persons violating the provisions of this chapter and incur the necessary expenses thereof;

~~(e) To elect officers and adopt a seal which may be affixed to all registrations issued by the department;~~

~~(f)~~ (7) ~~To~~ employ, within the funds available, and prescribe the duties of ~~a secretary and~~ such ~~other~~ personnel as the department ~~shall deem~~ considers necessary."

Section 21. Section 69-6615, R.C.M. 1947, is amended to read as follows:

"69-6615. Tramways not common ~~carrier~~ carriers or public utilities. Passenger tramways shall not be construed to be common ~~carrier~~ carriers or public utilities for the purposes of regulation within the meaning of the laws of the state of Montana."

-End-